IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

WP(C).No. 2495 of 2007(V)

PETITIONER:

RAJAN.P.ARAKKAL,
S/O.ARAKKAL SIMON PETER, SRAKKAL HOUSE,
MUNNAR, DEVIKULAM TALUK, KDH VILLAGE, IDUKKI.

BY ADV. SMT.AYSHA YOUSEFF
SMT.MOLLY JACOB
SRI.M.KABANI DINESH

RESPONDENTS:

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1. SUB COLLECTOR,
DEVIKULAM.

2. TAHSILDAR, DEVIKULAM.

BY G.P.SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.2495 of 2007

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Dated this the 1st day of February, 2007.

JUDGMENT

This writ petition is filed seeking to quash Ext.P3 and for a direction to the first respondent to issue NOC to the petitioner for transferring the property covered by Ext.P1 pattayam.

2. Ext.P3 is a request from the Sub Collector, Devikulam to the Inspector General of Registration, Thiruvananthapuram to issue general directions to the District Registrar, Idukki and the Sub Collector, Devikulam for registration of documents pertaining to the six villages mentioned in that communication. They are the villages in Devikulam Taluk in Idukki District. The said letter was prompted since the Sub Collector was of the view that he has come to notice that widespread encroachments of Government lands are taking place. It was seen that documents like pattayam etc. are forged and used to enter into transactions by encroachers. An expert committee chaired by the

Secretary, Land Board, is stated to be conducting certification of such pattayams. It was under the aforesaid circumstances, Ext.P3 was issued. Ext.P3 is essentially an administrative matter. Not only that, the primary reason for the issuance of that letter is the larger public interest to preserve Government lands. The area in question is undoubtedly near the forests, which are under the control of the Government. I do not find any infirmity in Ext.P3, which could be interfered by the High Court in exercise of authority under Article 226 of the Constitution of India. Instead, it is issued having regard to the larger public interest which has already been noticed above and which is explicit on the face of Ext.P3. The challenge against Ext.P3 is therefore repelled.

3. According to the petitioner, in terms of Ext.P3, he has made Ext.P4, a representation to the first respondent, sometime in January, 2007, though Ext.P4 does not disclose the date of its receipt by the first respondent. There is also no material on record to show as to whether Ext.P4, as a matter of fact,

has to be placed before the first respondent. Be that as it may, if the first respondent has received Ext.P4, the same shall be taken up, considered and disposed of in accordance with law, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment. Petitioner will also produce a copy of this writ petition before the first respondent.

Thottathil B.Radhakrishnan,
Judge.

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